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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HBC HAMBURG BULK CARRIERS
GMBH & CO. KG,

Plaintiffs,

-against-

PROTEINAS Y OLEICOS S.A. DE
C.V.,

Defendants.

04 CV 6884 (NRB)
ECF CASE

**DECLARATION IN
SUPPORT OF MOTION
TO VACATE
ATTACHMENT**

ALEJANDRO JOSE TRAVA LOPEZ deposes and says:

1. I am General Manager of Nutrimentos Agropecuarios Purina SA de CV ("NAPSA"). This declaration is made to the best of my knowledge and belief upon inquiry made to employees of NAPSA and its affiliates, and is submitted in respect of an application to vacate an attachment of two remittances adding up to US\$258,243.24, that have been frozen by Bank of America pursuant to the order of Judge Naomi R. Buchwald, US District

Judge, United States District Court, Southern District of New York, issued 25 August 2004 in the above-referenced litigation.

2. The funds in question represent electronic funds transfers initiated at the request of NAPSA for payment of its obligations to Proteinas y Oleicos S. A. de C.V. ("Proteinol") pursuant to NAPSA Purchase Orders 105, 636, 716, 719, and 797, covering products delivered to NAPSA in August 2004.
3. The Purchase Orders listed above were priced and payable in US Dollars, which meant that electronic funds transfers were required to go through banks in the United States. On July 30, 2003, Proteinol issued general payment instructions to its customers, which applied to these Purchase Orders.
4. Pursuant to Proteinol's payment instructions, US Dollar payments for products supplied from Proteinol's plant in Merida, Yucatan, Mexico were to be made to Proteinol's bank in Merida, BBVA Bancomer Mexico ("Bancomer"), via Bancomer's correspondent bank, JP Morgan Chase Bank in New York.
5. Pursuant to Proteinol's payment instructions, US Dollar payments for products supplied from Proteinol's plant in Celaya/Bajio, Mexico were to be made to Proteinol's bank in Bajio, Banco Del Bajio S. A. de C.V. ("Bajio"), via Bajio's correspondent, Bank of America NT & SA in Concord, California.

6. On or about August 27, 2004, at NAPSA's request, its affiliate Cargill de Mexico SA de CV instructed Bank of America in Miami, Florida to transmit USD229,138.93 to Proteinol's account at Bancomer via Bancomer's correspondent bank, JP Morgan.
7. On or about August 27, 2004, at NAPSA's request, its affiliate Cargill de Mexico SA de CV instructed Bank of America in Miami, Florida to transmit USD29,104.31 to Proteinol's account at Bajio via Bajio's correspondent, Bank of America NT & SA in Concord, California.
8. Bank of America in Miami, Florida is the point of origin of the funds transfers in question as that is where NAPSA's affiliate, Cargill de Mexico SA de CV has a US Dollar account.
9. Bank of America has informed NAPSA that both payments were frozen in transit pursuant to the order of this Court because Bank of America considers the order to apply to its offices throughout the U.S.A., and that the funds are being held by it in Concord, California.

Pursuant to 28 U. S. C. § 1746 (1), I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Executed at Merida, Yucatan, Mexico on 29 November, 2004


ALEJANDRO JOSE TRAVA LOPEZ